

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff

v.

THE PREMISES AND REAL PROPERTY AT
89 HAZELMERE AVENUE, MACHIAS,
NEW YORK, TITLED IN THE NAME OF
PATRICIA RAHR, AND MORE PARTICULARLY
DESCRIBED IN EXHIBIT "A" AND
INCORPORATED HEREIN,

THE PREMISES AND REAL PROPERTY AT
83 BROOKLYN STREET, PORTVILLE,
NEW YORK, TITLED IN THE NAME OF
PATRICIA RAHR, AND MORE PARTICULARLY
DESCRIBED IN EXHIBIT "B" AND
INCORPORATED HEREIN,

05-CV-55S

ONE 2002 POLARIS JET SKI, VIN
PLE11568J102, NYS LICENSE PLATE No.
9277EC, REGISTERED TO PATRICIA RAHR,

ONE 2002 POLARIS JET SKI, VIN
PLE17533B202, NYS LICENSE PLATE No.
9279EC, REGISTERED TO PATRICIA RAHR,

ONE 2002 POLARIS SCRAMBLER FOUR WHEEL
DRIVE ALL-TERRAIN VEHICLE, VIN
4XABG50A922661888, NYS LICENSE PLATE
No. 50XM93, REGISTERED TO PATRICIA RAHR,
and

ONE 2002 LOAD RITE TRAILER, VIN
5A4TBGL1X22001123, LICENSE PLATE No.
AH61525, REGISTERED TO PATRICIA RAHR,

Defendants

ORDER FOR SETTLEMENT AND FORFEITURE

Based upon the Stipulation for Settlement and Forfeiture previously filed in this action and after review and due deliberation, it is hereby

ORDERED, that the following defendant property is hereby forfeited to the United States of America pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 981(b) and shall be disposed of according to law:

- a. The premises and real property at 89 Hazelmere Avenue, Machias, New York and further described in Exhibit "A";
- b. One 2002 Polaris Jet Ski, VIN PLE11568J102;
- c. One 2002 Polaris Jet Ski, VIN PLE17533B202;
- d. One 2002 Polaris Scrambler Four Wheel Drive All-Terrain Vehicle, VIN 4XABG50A922661888; and
- e. One 2002 Load Rite Trailer, VIN 5A4TBGL1X22001123;

and it is further

ORDERED, that the claimant, Patricia J. Rahr, is directed to sell the defendant real property known as 83 Brooklyn Street, Portville, New York during the time period and according to the terms and conditions of the Stipulation previously filed in this action; and it is further

ORDERED, upon the sale of 83 Brooklyn Street, Portville, New York, the claimant shall pay the net proceeds to the United States of America; and it is further

ORDERED, that upon the payment of the net proceeds, the United States shall release its Lis Pendens filed against 83 Brooklyn Street, Portville, New York in the Cattaraugus County Clerk's Office; and it is further

ORDERED, that upon the payment by the claimant, the net proceeds will be forfeited to the United States of America pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 981(b) and shall be disposed of according to law; and it is further

ORDERED, should the claimant be unable to sell the defendant 83 Brooklyn Street within the time period proscribed by the Stipulation or should the claimants breach any of the terms and conditions of the Stipulation, the United States shall make application for an Order immediately forfeiting 83 Brooklyn Street, Portville, New York; and it is further

ORDERED, that this action be and is hereby dismissed except that this Court will retain jurisdiction of this matter in the event there is breach as to the terms of the Stipulation for

Settlement and Forfeiture.

DATED: Buffalo, New York, April 25, 2005.

/s/William M. Skretny
HONORABLE WILLIAM M. SKRETNY
United States District Judge

All that tract or parcel of land, situate in the Town of Machias, County of Cattaraugus and State of New York, known and distinguished as being part of Lot number seven, Township number five and Range number five, of the Holland Land Company's Survey, and bounded and described as follows:

Beginning at an iron stake standing at the water line near the southeast corner of Lime Lake, which stake is at the angle in the northwesterly bounds of a certain cottage lot known as Lot number one, Fries Park, as set out in a survey and plot of the same, made by C.G. Locke, Surveyor, in 1935, and which plot is filed in the County Clerk's Office, at Little Valley, New York; running thence southerly in the direction of the center of a large willow tree standing on or near the north margin of the highway, a distance of about thirty-six feet (36 feet) to the said highway margin; thence westerly along said highway margin, forty-three feet (43 feet) to the east bounds of a cottage known as Lot number nine, as set out in another survey of Fries Park lots, made by C.G. Locke, Surveyor, in 1939, and filed in said County Clerk's Office; thence northerly along the said east bounds of Lot Number nine, forty-five and twenty-five hundredths fee (45.25 feet) to the water line of Lime Lake and the northeast corner of said Lot number nine; thence easterly along said water line fifty-one and forty hundredths feet (51.40 feet) to the place of beginning; containing twenty-fifth of an acre (1/25 A.) more or less.

AND ALSO, ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Machias, County of Cattaraugus and State of New York, being part of Lot number seven, Township 5 and Range 5 of the Holland Land Company's Survey, more particularly bounded and described as follows:

BEGINNING at a point in the center line of the County Road #70, leading from Machias from the south end of Lime Lake to the Pennsylvania Railroad Tracks, said point being 1,017.56 feet distant easterly from the west bounds of said Lot number seven; running thence easterly along the center line of said County Road #70, seventy-five feet (75 feet); thence southerly at right angles to the center line of said County Road two hundred feet (200 feet); thence westerly parallel with the center line of said road seventy-five feet (75 feet) and thence northerly two hundred fee (200 feet) to the center line of said County Road at the point or place of beginning.

EXHIBIT "A"